

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JAMES LIZOTTE,

Plaintiff,

v.

CHARLES DANIELS, Warden,
Sheridan Federal Correctional
Institution, FEDERAL BUREAU OF
PRISONS,

Defendants.

Civ. No. 04-1814-CO

ORDER

Aiken, Judge:

On July 7, 2005, Magistrate Judge Cooney issued his Findings and Recommendation in the above-captioned matter. Magistrate Judge Cooney recommends that defendant's Motion to Dismiss be granted and plaintiff's claim dismissed. Magistrate Judge Cooney found that petitioner's claim for damages resulting from lost property was not allowed under the Federal Tort Claims Act, 28 U.S.C. § 1346(b)(1), because the federal government does not waive sovereign immunity for damages resulting from the detention of goods. Id. § 2680(c);

see also Bramwell v. U.S. Bureau of Prisons, 348 F.3d 804, 806-07 (9th Cir. 2003). The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). Plaintiff has filed timely objections to the Findings and Recommendation. I have, therefore, given de novo review of Judge Cooney's rulings. I find no error.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Cooney's Findings and Recommendation (doc. 19) filed July 7, 2005, is ADOPTED. Defendants' Motion to Dismiss (doc. 15) is GRANTED, and this case is DISMISSED.

IT IS SO ORDERED.

Dated this 11 day of October, 2005.

/s/ Ann Aiken
Ann Aiken
United States District Judge